

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

MUBARAK H. IBRAHIM,

Debtor.

BK No. 23-07031

Chapter 7

Hon. Jacqueline Cox

Hearing date: January 7, 2025

Hearing time: 1:30 P.M.

Place: Courtroom 680 or Zoom

**NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO COMPEL AZ SPC LLC**

To: See attached Service List

PLEASE TAKE NOTICE that on **January 7, 2025, at 1:30 P.M.**, I will appear before the Honorable Jacqueline Cox, or any judge sitting in that judge's place, **either** in courtroom 680 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, **or** electronically as described below, and present the **Chapter 7 Trustee's Motion to Compel AZ SPC LLC**, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 273 2896, and the passcode is 778135. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Dated: December 20, 2024

GUS A. PALOIAN, in his capacity as the  
Chapter 7 Trustee of the Debtor's Estate

By: /s/ Jonathan M. Cyrluk  
Jonathan M. Cyrluk

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*Special counsel to Chapter 7 Trustee Gus A.  
Paloian*

*\*Pro hac vice*

### CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on December 20, 2024, he caused to be served a true and correct copy of each of the **Notice of Chapter 7 Trustee's Motion to Compel AZ SPC LLC** and the **Chapter 7 Trustee's Motion to Compel AZ SPC LLC**, to be served via (i) the Court's CM/ECF electronic noticing system, upon all registered participants in this proceeding, so identified on the attached Service List; and (ii) First Class, U.S. mail, postage prepaid or certified mail, upon each of the parties, as noted, on the attached Service List.

/s/ Jonathan M. Cyrluk

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**SERVICE LIST**

Service Via CM/ECF

Patrick S. Layng USTPRegion11.ES.ECF@usdoj.gov;  
Kimberly Bacher kimberly.bacher@usdoj.gov, kimberlyabacher@hotmail.com;  
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Ariel Weissberg ariel@weissberglaw.com, Hava@weissberglaw.com; rakesh@weissberglaw.com; oleh@weissberglaw.com; 6010998420@filings.docketbird.com; varun@weissberglaw.com

Service Via Certified Mail Return Receipt

AZ SPC LLC  
12346 S. Keeler Avenue  
Alsip, Illinois 60803-1813

Tracking No.: 7020-1290-0002-2177-2534

**UNITED STATES BANKRUPTCY COURT  
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**CHAPTER 7 TRUSTEE’S MOTION TO COMPEL AZ SPC LLC**

Gus A. Paloian, in his capacity as the Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the “Estate”) of Mubarak H. Ibrahim (“Ibrahim” or the “Debtor”), respectfully requests that the Court enter an order compelling AZ SPC LLC to respond to the Trustee’s Rule 2004 subpoena within two weeks of any order.

**I. Introduction**

1. On July 19, 2024, the Trustee properly served a Rule 2004 subpoena on AZ SPC LLC. Despite the Trustee’s efforts to obtain responses, AZ SPC LLC has not responded. The Court should order AZ SPC LLC to respond to the subpoena within two weeks of any order on this motion.

**II. Background**

1. On May 28, 2023, the Debtor filed a voluntary chapter 7 petition and the Trustee was appointed. (Dkt. 1.)

2. On June 19, 2024, the Trustee filed a motion for leave to issue Rule 2004 subpoenas to certain persons and entities associated with the Debtor, including AZ SPC LLC. (Dkt. 47.) The Court granted that motion on July 2, 2024. (Dkt. 51.)

3. On July 19, 2024, the Trustee served the Rule 2004 subpoena on AZ SPC LLC by certified mail. (**Exhibit 1.**) *See Ott v. City of Milwaukee*, 682 F.3d 552, 557 (7th Cir. 2012) (holding subpoena can be served by certified mail).

4. On July 23, 2024, the US Postal Service delivered the subpoena to AZ SPC LLC. (**Exhibit 2.**)

5. Schedules mentioned in the rider to the subpoena were inadvertently omitted from the copy served on July 19, 2024. Thus, on August 15, 2024, the Trustee provided AZ SPC LLC with a copy of the subpoena containing the schedules. (**Exhibit 3.**)

6. The Trustee did not receive a response from AZ SPC LLC. Thus, on September 25, 2024, the Trustee sent a letter following up on the subpoena. (**Exhibit 4.**)

7. As of filing, AZ SPC LLC has not responded to the subpoena or contacted the Trustee regarding it.

### **III. Argument**

8. The Court should order AZ SPC LLC to comply with the subpoena within two weeks of an order. Federal Rule of Bankruptcy Procedure 9016 provides that Federal Rule of Civil Procedure 45 applies in a bankruptcy case. Federal Rule of Civil Procedure 45(g), in turn, provides that “[t]he court for the district where compliance is required ... may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.”

9. While contempt is the ultimate remedy for disregard of a proper subpoena, a federal court “normally will preface a contempt citation with an order directing either compliance with the subpoena or a showing of an excuse for the noncompliance.” Miller, *Federal Practice & Procedure*, 9A Fed. Prac. & Proc. Civ. § 2465 (3d ed.) (citing cases). The Trustee seeks such an order here.

10. In addition, the Court should order that AZ SPC LLC has waived all objections to the Subpoena by failing to timely respond to the Subpoena. Fed. R. Civ. P. 45(d)(2)(B) (“The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served.”); *Richter v. Mut. of Omaha Ins. Co.*, 06-MISC-011, 2006 WL 1277906, at \*3 (E.D. Wis. May 5, 2006) (late objections are “deemed waived”).

**IV. Local Rule 9016-1 certification**

11. The undersigned certifies that the Trustee’s counsel have attempted to engage in good faith attempts to obtain a response to the Trustee’s subpoena, but that these efforts were unsuccessful due to no fault of counsel.

**V. Notice**

12. Notice of this motion has been given to: (a) AZ SPC LLC; (b) CM/ECF registrants; (c) the Debtor’s bankruptcy counsel; and (d) parties requesting notice. The Trustee respectfully submits that such notice is sufficient, and no other or further notice is necessary.

**VI. No prior request**

13. The Trustee has not made a prior request to this or any other Court for the relief requested herein.

WHEREFORE, the Trustee respectfully requests that the Court enter an order (1) compelling AZ SPC LLC to comply with the Trustee’s Rule 2004 subpoena within two weeks of the date of the order, and (2) deeming that any objections to the subpoena have been waived.

Dated: December 20, 2024

GUS A. PALOIAN, not individually or personally, but solely in his capacity as the Chapter 7 Trustee of the Debtor's Estate

By: /s/ Jonathan M. Cyrluk  
Jonathan M. Cyrluk

*Counsel to Chapter 7 Trustee Gus A. Paloian*

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*\*Admitted Pro hac vice*